

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GLORIA E MATA ITZEP,

No C 10-4347 VRW

Petitioner,

ORDER TO SHOW CAUSE

v

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY and UNITED
STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES,

Respondents.

On September 27, 2010, Gloria Mata Itzep filed a petition for a writ of habeas corpus pursuant to 28 USC § 2241, Doc #1, and on October 19, 2010 moved for an expedited hearing, Doc #4. According to the petition, Mata Itzep is a twelve year old Guatemalan citizen with a United States citizen father. Doc #1 at 3. Mata Itzep was taken into custody by the Department of Homeland Security on May 22, 2009 based on fears that she was the victim of trafficking by her father. Id at 2. The state and federal governments did not pursue charges against Mata Itzep's father, and

1 Mata Itzep remains in immigration custody in a southern California
2 foster home pending resolution of removal proceedings against her.
3 Id at 5-6.

4 Mata Itzep fails to explain why the court has
5 jurisdiction over her petition, and it is unclear from the filings
6 whether the court has jurisdiction to grant Mata Itzep relief in
7 light of the ongoing removal proceedings against her. See Singh v
8 Napolitano, 619 F3d 1101 (9th Cir 2010); 8 USC § 1226(e).

9 Accordingly, Mata Itzep is ORDERED to SHOW CAUSE in writing on or
10 before December 3, 2010 why the court should exercise jurisdiction
11 over her claims. The government may file a response on or before
12 December 10, 2010, at which time the matter will be deemed
13 submitted.

14
15
16 IT IS SO ORDERED.

17
18 

19 VAUGHN R WALKER
20 United States District Chief Judge
21
22
23
24
25
26
27
28